

PATENT
Attorney Docket No.: A-66566-3/RFT/RMS/RMKIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

BLACKBURN, et al.

Serial No.: 09/440,371

Filed: November 12, 1999

For: BINDING ACCELERATION
TECHNIQUES FOR THE DETECTION
OF ANALYTES

Examiner: Unknown.

Group Art Unit: 1643

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AUG 30 2000

PETITIONS OFFICE

CERTIFICATE OF FAX TRANSMISSIONI hereby certify that this correspondence,
including listed enclosures, is being FAX-
transmitted to USPTO FAX No. 8139100
(703) 308-6916 on 8/30/00Signed: Renee Kossak
Renee KossakPETITION UNDER 37 C.F.R. § 1.47(a) NO LONGER REQUIREDAssistant Commissioner for Patents
Washington, DC 20231

Sir:

This request is in response to the phone conversation with Edward Tannouse and Manuel Antonakas on August 29, 2000. Transmitted herewith is a copy of a signed Declaration and a copy of a signed Assignment of Stephen D. O'Connor. The original declaration is being forwarded by certificate of mailing. The original assignment has been sent under separate cover to be recorded.

Adjustment date: 10/12/2000 LGIBBS
7/15/2000 WAM11 00000071 09440371
FC:122 -130.00 DPIn. Ref: 10/12/2000 LGIBBS 0013434600
:061300 Name/Number:09440371
704 \$130.00 CR

REMARKS

A Petition under 37 C.F.R. § 1.47(a) was submitted in the above case, as one of the inventors, Dr. Stephen D. O'Connor had refused to sign the declaration and assignment. Dr. O'Connor has now agreed to sign the formal documents; copies are enclosed. Accordingly, the Petition submitted under 37 C.F.R. § 1.47(a) is no longer needed.

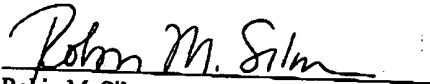
If either Mr. Tannoouse or Mr. Antonakas feels there are further unresolved issues, they are respectfully requested to phone the undersigned at (415) 781-1989.

The Commissioner is hereby authorized to charge any additional fees, including extension fees or other relief as may be required, or credit any overpayment to Deposit Account 06-1300 (Order No. A-66566-3/RFT/RMS/RMK).

Dated: 8/30/00

Respectfully submitted,

FLEHR HOHBACH TEST
ALBRITTON & HERBERT LLP



Robin M. Silva
Reg. No. 38,304

Four Embarcadero Center - Suite 3400
San Francisco, California 94111-4187
Tel.: (415) 781-1989
Fax: (415) 398-3249
128504

ASSIGNMENT

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PETITIONS OFFICE

WHEREAS, the undersigned,

(1) <u>GARY BLACKBURN</u>	(2) <u>STEPHEN E. CREAGER</u>
(3) <u>SCOTT FRASER</u>	(4) <u>BRUCE D. IRVINE</u>
(5) <u>THOMAS J. MEADE</u>	(6) <u>STEPHEN D. O'CONNOR</u>
(7) <u>ROBERT H. TERBRUGGEN</u>	(8) <u>JOSEPH G. VIELMETTER</u>
(9) <u>THOMAS J. WELCH</u>	

(hereinafter termed "Inventors"), residents of

(1) <u>Glendora</u>	(2) <u>Central</u>
(3) <u>La Canada</u>	(4) <u>Glendora</u>
(5) <u>Altadena</u>	(6) <u>Pasadena</u>
(7) <u>Manhattan Beach</u>	(8) <u>Pasadena</u>
(9) <u>Pasadena</u>	

respectively, Counties of

(1) <u>Los Angeles</u>	(2) <u>Pickens</u>
(3) <u>Los Angeles</u>	(4) <u>Los Angeles</u>
(5) <u>Los Angeles</u>	(6) <u>Los Angeles</u>
(7) <u>Los Angeles</u>	(8) <u>Los Angeles</u>
(9) <u>Los Angeles</u>	

respectively, States of

(1) <u>California</u>	(2) <u>South Carolina</u>
(3) <u>California</u>	(4) <u>California</u>
(5) <u>California</u>	(6) <u>California</u>
(7) <u>California</u>	(8) <u>California</u>
(9) <u>Californi</u>	

respectively, have invented certain new and useful improvements in

BINDING ACCELERATION TECHNIQUES FOR THE DETECTION OF ANALYTESand have executed an application for a United States patent disclosing and identifying the invention having Serial No. 09/440,371 and filing date of November 12, 1999; andWHEREAS, Clinical Micro Sensors, Inc., a corporation of the State of Delaware, having a place of business at 101 Waverly Drive, Pasadena, State of California, (hereinafter termed "Assignee"), is desirous of acquiring

the entire right, title and interest in and to said application and the invention disclosed therein, and in and to all embodiments of the invention, heretofore conceived, made or discovered jointly or severally by said Inventors (all collectively hereinafter termed "said invention"), and in and to any and all patents, inventor's certificates and other forms of protection (hereinafter termed "patents") thereon granted in the United States and foreign countries.

NOW, THEREFORE, in consideration of good and valuable consideration acknowledged by said Inventors to have been received in full from said Assignee:

1. Said Inventors do hereby sell, assign, transfer and convey unto said Assignee, the entire right, title and interest (a) in and to said application and said invention; (b) in and to all rights to apply for foreign patents on said invention pursuant to the International Convention for the Protection of Industrial Property or otherwise; (c) in and to any and all applications filed and any and all patents granted on said invention in the United States or any foreign country, including each and every application filed and each and every patent granted on any application which is a division, substitution, or continuation of any of said applications; and (d) in and to each and every reissue or extensions of any of said patents.
2. Said Inventors hereby jointly and severally covenant and agree to cooperate with said Assignee to enable said Assignee to enjoy to the fullest extent the right title and interest herein conveyed in the United States and foreign countries. Such cooperation by said Inventors shall include prompt production of pertinent facts and documents, giving of testimony, execution of petitions, oaths, specifications, declarations or other papers, and other assistance all to the extent deemed necessary or desirable by said Assignee (a) for perfecting in said Assignee the right, title and interest herein conveyed; (b) for prosecuting any of said applications; (c) for filing and prosecuting substitute, divisional, continuing or additional applications covering said invention; (d) for filing and prosecuting applications for reissuance of any said patents; (e) for interference or other priority proceedings involving said invention; and (f) for legal proceedings involving said invention and any applications therefor and any patents granted thereon, including without limitation opposition proceedings, cancellation proceedings, priority contests, public use proceedings, infringement actions and court actions; provided, however, that the expense incurred by said Inventors in providing such cooperation shall be paid for by said Assignee.
3. The terms and covenants of this assignment shall inure to the benefit of said Assignee, its successors, assigns and other legal representatives, and shall be binding upon said Inventors, their respective heirs, legal representatives and assigns.
4. Said Inventors hereby jointly and severally warrant and represent that they have not entered and will not enter into any assignment, contract, or understanding in conflict herewith.

IN WITNESS WHEREOF, the said Inventors have executed and delivered this instrument to said Assignee as follows:

Date: _____ (1) _____
Gary Blackburn

County of _____
State of _____) ss.

On this ____ day of _____, in the year 1999, before me, _____, Notary Public of the State of California, personally appeared (1) _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged that he/she executed the same in his/her authorized capacity(ies), and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____ (Seal)

Date: _____ (2) _____
Stephen E. Creager

County of _____
State of _____) ss.

On this ____ day of _____, in the year 1999, before me, _____, Notary Public of the State of _____, personally appeared (2) _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged that he/she executed the same in his/her authorized capacity(ies), and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____ (Seal)

Date: _____ (3) _____
Scott Fraser

County of _____
State of _____ ss.

On this ____ day of _____, in the year 1999, before me, _____, Notary Public of the State of _____, personally appeared (2) _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged that he/she executed the same in his/her authorized capacity(ies), and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.
WITNESS my hand and official seal.

Signature _____ (Seal)

Date: _____ (4) _____
Bruce D. Irvine

County of _____
State of _____ ss.

On this ____ day of _____, in the year 1999, before me, _____, Notary Public of the State of _____, personally appeared (2) _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged that he/she executed the same in his/her authorized capacity(ies), and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.
WITNESS my hand and official seal.

Signature _____ (Seal)

Date: _____

(5)

Thomas J. Meade

County of
State of),
ss.

On this ____ day of _____, in the year 1999, before me, _____, Notary Public of the State of _____, personally appeared (2) _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged that he/she executed the same in his/her authorized capacity(ies), and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____

(Seal)

Date: 7-25-00

(6)

Stephen D. O'Connor

County of Los Angeles
State of California),
ss.

On this 25 day of July, in the year 2000, before me, Jessica Smith, Notary Public of the State of California, personally appeared (2) Stephen D. O'Connor, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged that he/she executed the same in his/her authorized capacity(ies), and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____

(Seal)



Date: _____ (7) _____
Robert H. Terbrueggen

County of _____
State of _____)
) ss.

On this ____ day of _____, in the year 1999, before me, _____, Notary Public of the State of _____, personally appeared (2) _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged that he/she executed the same in his/her authorized capacity(ies), and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____ (Seal)

Date: _____ (8) _____
Jost G. Vielmetter

County of _____
State of _____)
) ss.

On this ____ day of _____, in the year 1999, before me, _____, Notary Public of the State of _____, personally appeared (2) _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged that he/she executed the same in his/her authorized capacity(ies), and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____ (Seal)

Date _____

(9) _____

Thomas W. Welch

County of _____
State of _____) ss.
)

On this _____ day of _____, in the year 1999, before me, _____, Notary Public of the State of _____, personally appeared (2) _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged that he/she executed the same in his/her authorized capacity(ies), and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____

(Seal)

c07-26

DECLARATION FOR PATENT APPLICATION

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PETITIONS OFFICE

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled BINDING ACCELERATION TECHNIQUES FOR THE DETECTION OF ANALYTES, the specification of which

(check
one)

☐

is attached hereto.

☒

was filed on November 12, 1999 as

Application Serial No. 09/440,371

and was amended on _____

(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §§119/120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>09/134,058</u>	<u>August 14, 1998</u>	<u>Pending</u>
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)
<u>60/090,389</u>	<u>June 23, 1998</u>	<u>Abandoned</u>
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)

Direct all telephone calls to ROBIN M. SILVA at (415) 781-1989.

Address all correspondence to:

FLEHR HOHBACH TEST
ALBRITTON & HERBERT LLP
Suite 3400, Four Embarcadero Center
San Francisco, California 94111

File No. A-66566-3/RFI/RMS

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or
first inventor:

Gary Blackburn

Inventor's signature:

Date:

Residence:

Glendora, California

Citizenship:

United States of America

Post Office Address:

261 N. Lone Hill Avenue

Glendora, California 91741

Full name of second
inventor:

Stephen E. Creager

Inventor's signature:

Date:

Residence:

Central, South Carolina

Citizenship:

United States of America

Post Office Address:

357 Cross Creek Road

Central, South Carolina 29630

Full name of third
inventor:

Scott Fraser

Inventor's signature:

Date:

Residence:

La Canada, California

Citizenship:

United States of America

Post Office Address:

503 Dartmouth Place

La Canada, California 91011

Full name of fourth
inventor: Bruce D. Irvine

Inventor's signature: _____

Date: _____

Residence: Glendora, California

Citizenship: United States of America

Post Office Address: 430 Vista Bonita Avenue
Glendora, California 91741

Full name of fifth
inventor: Thomas J. Meade

Inventor's signature: _____

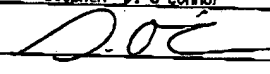
Date: _____

Residence: Altadena, California

Citizenship: United States of America

Post Office Address: 1656 New York Drive
Altadena, California 91001

Full name of sixth
inventor: Stephen D. O'Connor

Inventor's signature: 

Date: 7-25-00

Residence: Pasadena, California

Citizenship: United States of America

Post Office Address: 4222 S. El Molino, #16
Pasadena, California 91101

Full name of seventh
inventor: Robert H. Terbruggen

Inventor's signature: _____

Date: _____

Residence: Manhattan Beach, California

Citizenship: United States of America

Post Office Address: 44138 The Strand
Manhattan Beach, California 90266

Full name of eighth
inventor: Jost G. Vielmetter

Inventor's signature: _____

Date: _____

Residence: Pasadena, California

Citizenship: Germany

Post Office Address: 69 South Greenwood Avenue
Pasadena, California 91107

Full name of third
inventor: Thomas W. Welch

Inventor's signature: _____

Date: _____

Residence: Pasadena, California

Citizenship: United States of America

Post Office Address: 677 S. Marengo Avenue, Apt. 6
Pasadena, California 91106